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NEWS RELEASE

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Summary of Cases Accepted During the Week of November 14, 2011

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#11-128 *People v. Bryant, S196365.* (D057570; 198 Cal.App.4th 134; Riverside County Superior Court; SWF014495.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issue: May voluntary manslaughter be premised on a killing without malice that occurs during commission of an inherently dangerous assaultive felony?

#11-129 *In re Glass on Admission, S196374.* (Unpublished order; State Bar Ct. No. 09-M-11736.) Petition for writ of review after a State Bar Court recommendation for admission to the State Bar of California. This case presents the following issue: Considering the applicant's extensive misconduct, is there sufficient evidence of rehabilitation to support the State Bar Court recommendation that he be admitted to the practice of law?

#11-130 *Salas v. Sierra Chemical Co., S196568.* (C064627; 198 Cal.App.4th 29; San Joaquin County Superior Court; CV033425.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: Did the trial court err in dismissing plaintiff's claims under the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) on grounds of after-acquired evidence and unclean hands, based on plaintiff's use of false documentation to obtain employment in the first instance? Did Senate Bill No. 1818 (2001–2002 Reg. Session) preclude application of those doctrines in this case? (See Civ. Code, § 3339; Gov. Code, § 7285; Health & Saf. Code, § 24000; Lab. Code, § 1171.5.)

#11-131 *In re Lamour L.*, S196866. (B226214; nonpublished opinion; Los Angeles County Superior Court; MJ14339.) Petition for review after the Court of Appeal affirmed and reversed orders in a juvenile wardship proceeding. The court ordered briefing deferred pending decision in *In re Greg F.*, S191868 (#11-59), which presents the following issue: Can a juvenile court dismiss a juvenile wardship petition in the interests of justice and commit a juvenile ward to the Department of Juvenile Justice on the basis of a prior sustained petition, even though Welfare and Institutions Code section 733 prohibits such a commitment of a juvenile ward unless “the most recent offense alleged in any petition and admitted or found to be true by the court” is a offense specified in subdivision (c) of that section and the offense alleged in the dismissed petition was not one of those specified offenses?

#11-132 *People v. Torres*, S195870. (B225903; 198 Cal.App.4th 329; Los Angeles County Superior Court; KA089427.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Jones*, S179552 (#10-36), which presents the following issue: Did the trial court properly impose concurrent sentences for being a felon in possession of a firearm (Pen. Code § 12021, subd. (a)(1)) and carrying a loaded, concealed firearm (Pen. Code § 12025, subd. (b)(6)) under the present circumstances? (See Pen. Code, § 654; *People v. Harrison* (1969) 1 Cal.App.3d 115, 121-122.)

#11-133 *Woodard v. Crane Co.*, S196969. (B219366; nonpublished opinion; Los Angeles County Superior Court; BC387774.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *O’Neil v. Crane Co.*, S177401 (#09-85), which presents the following issue: Can the manufacturer of valves and fittings installed on Navy ships, and designed to be used with asbestos packing, gaskets, and insulation, rely on the “component parts” defense or related theories to preclude strict liability for asbestosis injuries years later suffered by seamen on those ships?

DISPOSITIONS

Review in the following cases was dismissed in light of *SeaBright Ins. Co. v. US Airways, Inc.* (2011) 52 Cal.4th 590:

#10-72 *Lewis v. Pepper Construction Co. Pacific*, S181596.

#11-83 *Iversen v. California Village Homeowners Assn.*, S192763.

The following case was transferred for reconsideration in light of *SeaBright Ins. Co. v. US Airways, Inc.* (2011) 52 Cal.4th 590:

#11-84 *Tverberg v. Fillner Construction, Inc.*, S192804.

Review in the following cases was dismissed in light of *Howell v. Hamilton Meats & Provisions, Inc.* (2011) 52 Cal.4th 541:

#11-50 *Felix v. Aronson*, S191874.

#11-63 *Cabrera v. E. Rojas Properties, Inc.*, S191826.

The following cases were transferred for reconsideration in light of *Howell v. Hamilton Meats & Provisions, Inc.* (2011) 52 Cal.4th 541:

#10-105 *Yanez v. SOMA Environmental Engineering, Inc.*, S184846.

#10-122 *King v. Wilmet*, S186151.

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